Chapter 4

The Permit Application Process

This chapter describes the NPDES permit application process including the permit writer's role in reviewing the application and evaluating background information about the applicant. Through this process, the permit writer gains an understanding of the circumstances of the discharge and the characteristics of the proposed effluent that will allow proper development of permit limits and conditions.

4.1 NPDES Permit Application Forms

When it is determined that a facility needs an individual NPDES permit, the facility must submit an application for a permit. Application forms and requirements are specific to the type of facility and discharge. NPDES permit application regulations are contained in 40 CFR Part 122, Subpart B. Most application requirements are contained in forms developed by EPA. **Exhibit 4-1** provides an overview of the types of dischargers required to submit NPDES application forms, identifies the form(s) that they must submit, and references the corresponding NPDES regulation citation. It should be noted that authorized States are not required to use the EPA application forms. However, any alternative form used by an authorized State must contain the information required in 40 CFR Part 122, Subpart B. An application form must also be submitted for permit renewals. Permits may no longer be renewed by submitting a

EXHIBIT 4-1
Applications Forms Required for NPDES Discharges

Type of Facility	Status	Forms	Regulatory Citation (40 CFR Part 122)
All NPDES Applicants (except MS4s)	New and Existing	Form 1	122.21(f)
Municipal Facilities – Major POTWs (Facilities with flows greater than 1.0 mgd or populations greater than 10,000, or receive industrial process wastewater)	New and Existing	Standard A	122.21(j) (reserved)
– Minor POTWs	New and Existing	Short A	122.21(j) (reserved)
Industrial Facilities – Manufacturing Facilities – Commercial Facilities – Mining Activities – Silvicultural Activities – Water Treatment Facilities	New	2D	122.21(f) and (k)
	Existing	2C	122.21(f) and (g)
	Non-Process Wastewater	2E	122.21(f) and (h)
Concentrated Animal Production Facilities – Animal Feedlots – Hatcheries	New and Existing	2B	122.21(f) and 122.21(i)
Storm water discharges associated with industrial activities	New and Existing	2F	122.26(c)
Storm water discharges from MS4s serving a population greater than 100,000	New and Existing	None	122.26(d)

Key: Form 1 - General Information.
Standard Form A - Municipal (new and existing major municipal facilities).
Short Form A - Municipal (new and existing minor municipal facilities).
Form 2B - Concentrated Animal Feeding Operations and Aquatic Animal Production Facilities.
Form 2C - Existing Manufacturing, Commercial, Mining, and Silvicultural Operations.
Form 2D - New Sources and New Dischargers Application for Permit to Discharge Process Wastewater.
Form 2E - Facilities Which Do Not Discharge Process Wastewater.
Form 2F - Application for Permit To Discharge Storm Water Discharges Associated With Industrial Activity.

letter stating that no significant changes occurred at the facility during the term of the expiring permit.

Form 1 - General Information

All facilities applying for an individual NPDES permit, with the exception of MS4s applying for a municipal storm water permit, must submit **Form 1**. Form 1 requires general facility information including:

- Name, mailing address, facility contact, and facility location
- Standard industrial classification (SIC) code and a brief description of nature of business
- Topographic map showing the location of the existing or proposed intake and discharge structures.

4.1.1 Municipal Application Requirements (Form A and Short Form A)

All new and existing POTWs must submit **Form A** or **Short Form A** (used for minor POTWs). POTWs with design influent flows equal to or greater than 1 million gallons per day (mgd) and POTWs with approved pretreatment programs, or POTWs required to develop a pretreatment program are required to submit Form A. Form A requires submission of the following types of information:

- Name, mailing address, authorized agent, and facility location
- Collection system type, areas served, and total population served
- Description of influent, including major industrial facilities discharging to the system
- Description of treatment practices and plant design, schedule of improvements, number of discharge points, total volume discharged, and receiving water name.

Although testing of the influent and effluent for specific pollutants is not required, Form A does request any available data on the following parameters: flow, pH, temperature, fecal coliform, BOD_5, COD or total organic carbon (TOC), total residual chlorine, total solids, total dissolved solids, settleable matter, ammonia, Kjeldahl nitrogen, nitrate, nitrite, phosphorus, and dissolved oxygen. The municipal application regulations also require POTWs with design influent flows equal to or

greater than 1.0 mgd, and POTWs with approved pretreatment programs, to submit results of whole effluent toxicity (WET) testing (40 CFR §122.21(j)(1)). In addition, POTWs with approved pretreatment programs are also required to submit a written technical evaluation of the need to revise local limits (40 CFR §122.21(j)(4)).

POTWs with design flows of less than 1.0 mgd, and which are not required to have an approved pretreatment program, may generally use Short Form A. Short Form A requires only general information such as the name, mailing address, and facility location as well as a description of any major changes at the facility.

Reg Update:

On December 6, 1995, EPA proposed revisions to the municipal application requirements and accompanying application forms [60 *FR* 62545]. The proposed regulation replaces Form 1, Form A, and Short Form A with a new **Form 2A** for use by all municipal dischargers. Form 2A is divided into five individual sections that must be completed depending on the characteristics of the municipal discharger. In the same proposal, EPA introduced **Form 2S** to obtain information on municipal sewage sludge such as volume, characteristics, and sludge use or disposal practices. The Form 2S regulations will replace the interim sludge use and disposal application requirements that are currently in use.

4.1.2 Non-Municipal Permit Application Requirements

In addition to Form 1, which requests general information, non-municipal dischargers applying for an individual NPDES permit are required to submit additional detailed facility information. The types of forms required depend upon the activities of the facility applying for a permit. Each of the forms and the types of activities for which they apply are briefly described below.

Form 2B - New and Existing Animal Feeding Operations and Aquatic Animal Production Facilities

Owners of new and existing animal feeding operations and aquatic animal production facilities must submit Application **Form 2B**. The types of information required by Form 2B include:

- Animal feeding operations
  - Type and number of animals in open confinement and housed under roof
  - Number of acres used for confinement feeding

  - Calendar month of maximum feeding and total mass of food fed during that month

- Aquatic animal production facilities

  - Maximum daily and average monthly flow from each outfall
  - Number of ponds, raceways, and similar structures
  - Total yearly and maximum harvestable weight for each species of aquatic animal.

Form 2C - Existing Manufacturing, Commercial, Mining, and Silvicultural Discharges

Operators of existing (i.e., currently permitted) manufacturing, commercial, mining, and silvicultural discharges must submit Application **Form 2C**. The types of information required in Form 2C include:

- Outfall location(s)
- Flow characteristics
- Sources of pollutants
- Intake and effluent characteristics
- Pollutants expected to be present
- Treatment technologies
- Production information (if applicable).

Quantitative effluent data requirements for existing industrial dischargers varies depending on the facility's discharge characteristics and the types of pollutants expected to be present in the discharge.

Form 2D - New Manufacturing, Commercial, Mining, and Silvicultural Discharges

Operators of new manufacturing, commercial, mining, and silvicultural discharges must submit Application **Form 2D**. "New" dischargers are those that have not previously obtained permits for a discharge and have not commenced operation. The types of information required in Form 2D include:

- Expected outfall location(s)
- Date of expected commencement of discharge

- Expected flow characteristics
- Sources of pollutants
- Treatment technologies
- Production information (if applicable)
- Expected intake and effluent characteristics.

Form 2E - Manufacturing, Commercial, Mining, and Silvicultural Facilities that Discharge Only Nonprocess Wastewater

Operators applying for an individual NPDES permit for manufacturing, commercial, mining, and silvicultural facilities that are not regulated by an effluent limitation guideline or new source performance standard, and which discharge only non-process wastewaters, must submit Application **Form 2E**. "Nonprocess wastewaters" include sanitary wastes, restaurant or cafeteria wastes, and non-contact cooling water, but do not include storm water. Storm water is specifically excluded from the definition of "non-process wastewater." The types of information required in Form 2E include:

- Outfall location(s)
- Type of waste discharged
- Effluent characteristics, including quantitative data for selected parameters
- Flow characteristics
- Treatment technologies.

Form 2F - Storm Water Discharges Associated with Industrial Activities

Operators applying for an individual NPDES permit for discharges of storm water associated with industrial activity must submit Application **Form 2F**. The types of information required in Form 2F include:

- A topographic map and estimates of impervious surfaces
- Descriptions of material management practices and control measures
- A certification that outfalls have been evaluated for non-storm water discharges
- Descriptions of past leaks and spills
- Analytical data from each outfall for several specified parameters.

Storm Water Discharges from Municipal Separate Storm Sewers Serving a Population of Greater Than 100,000

The 1990 Storm Water application regulations (55 *FR* 48062), list the application requirements for operators of a large or medium MS4 to submit a two-part application. Part 1 application information was required to be submitted by large MS4s (serving a population >250,000) by November 18, 1991 and by medium MS4s (serving a population >100,000 but ≤ 250,000) by May 18, 1992. Part 2 application information was required to be submitted by large MS4s by November 16, 1992 and by medium MS4s by May 17, 1993. The following summarizes the key requirements of each part of the application:

- Part 1 of the application must include:
  - General information (e.g., name, address)
  - Existing legal authorities and any additional authority required
  - Source identification information
  - Discharge characterization, including results from dry weather flow screening
  - Identification of 5 to 10 representative outfalls for storm water sampling
  - Description of existing storm water management practices
  - Descriptions of existing financial budget and resources available to complete Part 2 of the application.

- Part 2 of the application must include:
  - Demonstration of adequate legal authority
  - Identification of any major storm sewer outfalls
  - Discharge characterization data from sampling three representative storm events
  - Proposed storm water management program
  - Assessment of controls, including expected reductions in pollutant loadings
  - Fiscal analysis, including necessary capital and operation and maintenance expenditures for each year of the permit.

Under the NPDES regulations, permittees are required to reapply for a new NPDES permit prior to the expiration of their existing permit. However, in the case of storm water permits for MS4s, Part 1 and Part 2 application requirements were intended only for the initial issuance of a MS4 permit and specific requirements for reapplication have not been defined in the regulations. On May 17, 1996, EPA issued

a policy which sets forth a streamlined approach for reapplication requirements for operators of MS4s. It allows municipalities to use recommended changes submitted in their fourth annual report as the principal component of their reapplication package. It also encourages changes to monitoring programs to make them appropriate and useful to storm water management decisions. With the policy, EPA seeks to improve municipal storm water management efforts by allowing municipalities to target their resources for the greatest environmental benefit.

4.1.3 Application Requirements for NPDES General Permits

As previously discussed, general permits (see 40 CFR §122.28) are permits that are developed for storm water dischargers or a specific category of dischargers within a specified geographic or political boundary. The use of a general permit may simplify the permitting process for both EPA and the permittee. Unlike individual permits, however, operators can only apply for coverage under a general permit if one has been issued that is applicable to the type of facility for which coverage is sought and covers the facility's activities. In addition, the permitting authority may determine that a general permit is not appropriate for a particular facility applying for coverage under the general permit, and can require the facility to apply for an individual permit. Furthermore, a facility that otherwise qualifies for a general permit may opt to apply for an individual permit.

An applicant for a general permit, in almost all cases, must apply by submitting a Notice of Intent (NOI) to be covered under the permit. The contents of a NOI, and any additional information requirements, must be specified in the general permit and in the fact sheet or instructions, and at a minimum must include the following:

- Name and address of the owner or operator
- Name and address of the facility
- Type of facility or discharges
- The receiving stream(s).

4.2 Application Deadlines

The Federal regulations contained in 40 CFR §122.21 require that applications for new discharges be made no later than 180 days before discharges actually begin.

Applications for permit renewals (i.e., for existing dischargers) must be made at least 180 days before the expiration of the existing NPDES permit. Authorized states, however, may have slightly different schedules but generally no less stringent. Furthermore, the State Director or the Regional Administrator may allow individual applications to be submitted at dates later than these but not later than the expiration date of the existing permit.

It should be noted that according to 40 CFR §122.6, an expired NPDES permit remains in effect until the new permit is issued as long as the application for permit renewal was submitted on time and complete (per 40 CFR §122.21). However, if State law does not allow expired permits to remain in effect until a permit is reissued, or if the permit application is not on time and complete, the facility is considered to be discharging without a permit from the time the permit expired until the effective date of the new permit.

4.3 Review of the Application

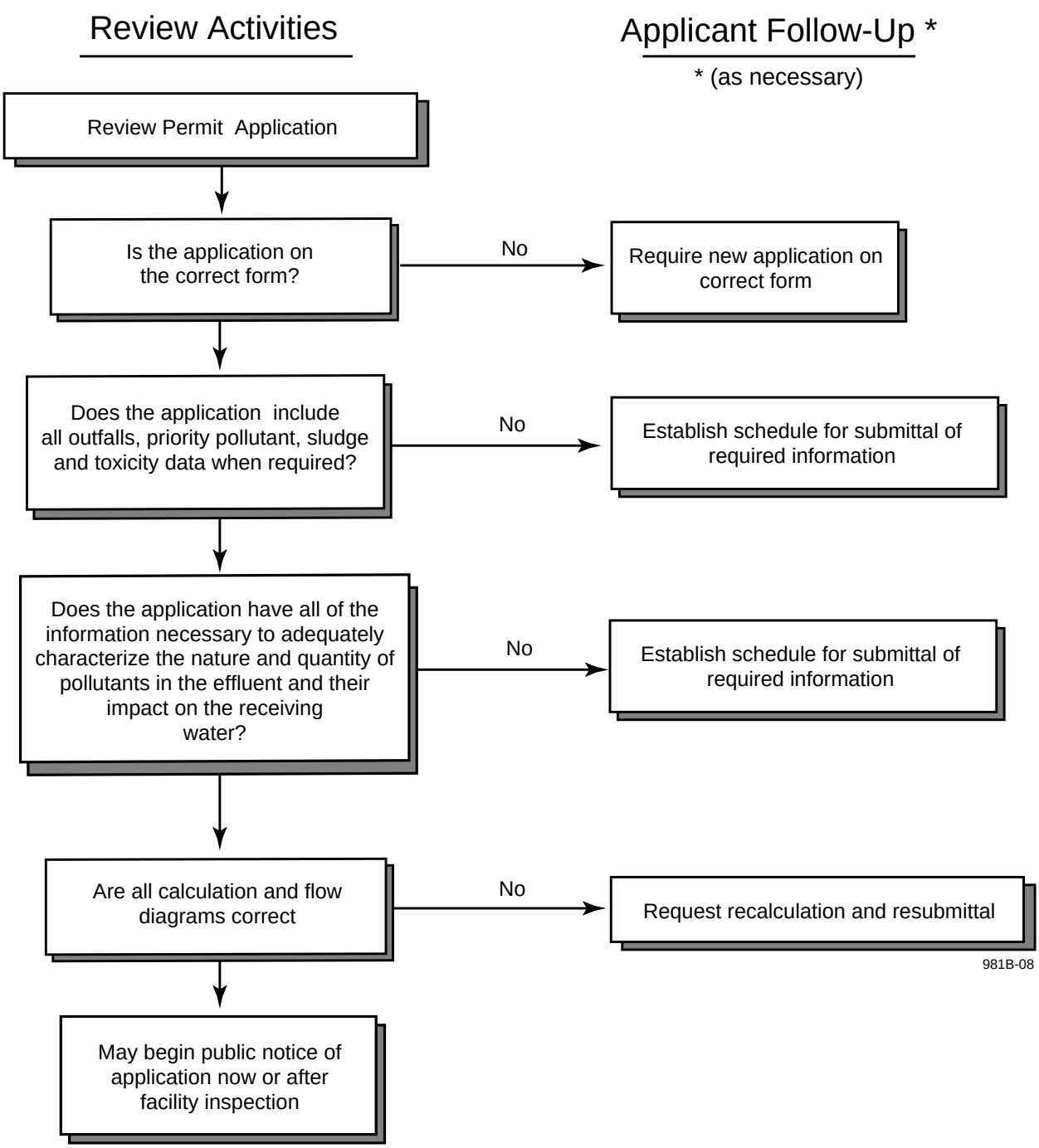
The contents of individual NPDES permits are based in part upon the information included in the application. Thus, the application must be complete and accurate before a permit writer can properly develop a permit. **Exhibit 4-2** depicts a general process for reviewing a permit application.

After the initial review of an application, the permit writer may request that an applicant submit other information which may be needed in deciding whether to issue a permit. The requested information may include:

- Additional information, quantitative data, or recalculated data
- Submission of a new form (if an inappropriate form was used)
- Resubmission of application (if incomplete or outdated information was initially submitted).

A considerable amount of correspondence, therefore, may be required before the permit writer obtains an application that can be considered complete and accurate.

EXHIBIT 4-2
Permit Application Review



4.3.1 The Complete Application

Regulations under 40 CFR §122.21(e) state that the Director "shall not issue a permit before receiving a complete application...." At a minimum, the application form must have all applicable spaces filled in. Instructions for the application form states that all items must be completed and that the statement "not applicable" (NA) be used to indicate that the item had been considered by the applicant. Blanks on a form can occur for a number of reasons, such as:

- The response was inadvertently left out; or
- The applicant had difficulty determining the correct response and rather than provide misleading or incorrect information, left the space blank.

A response to the blank items must be obtained by contacting the facility in writing or, in some cases, by telephone. Because of the administrative record (discussed in Chapter 11) that must be maintained in processing an application, and the possibility of legal challenges regarding permit decisions, it is recommended that only minor items be handled by telephone, and even these should be documented in writing.

If the changes or corrections to any application are extensive, the permit writer may require the permit applicant to submit a new application. Supplementary information, such as more detailed production information or maintenance and operating data for a treatment system, may also be required to process the permit. Supplementary information can also be obtained at a later date when the permit writer is actually drafting the permit. According to 40 CFR §122.21(e), an application is considered to be complete when the permit writer is satisfied that all required information has been submitted.

4.3.2 Common Omissions and Errors in Applications

This section identifies some of the most common omissions and errors found in NPDES permit applications. Examples of ways to identify missing information and of verifying the accuracy of some of the data are also provided.

One of the most common items overlooked is the provision of a topographic map which is required as an attachment to Form 1. Other industrial- or municipal-

specific information is also often omitted. For example, industrial applicants sometimes fail to submit a process line diagram required by Part II-A of Form 2C. The process line diagram is important for ensuring that the location and description of the outfalls and the description of processes (Parts I and II-B of Form 2C) given by the applicants are accurate.

Often, applicants do not properly submit the effluent characterization data required for the permit applications. Applicants may fail to submit data necessary to properly characterize the facility. The following highlights some of the data requirements that are required in applications:

- POTWs with design flows greater than 1 mgd or those with a pretreatment program are required to submit valid WET testing data. This requirement may be satisfied if the expiring permit contains a requirement for effluent characterization of WET. The permit writer should note the use of this option on the fact sheet.
- POTWs and other treatment works treating domestic sewage (TWTDS) must submit any sludge monitoring data; a description of sludge use and disposal procedures at the facility; annual sludge production volumes; and for land application sites, information on the suitability of the site and a description of the site management. A land application plan is required for any sites not identified in the application.
- Every non-POTW applicant must submit data for BOD, COD, TOC, TSS, ammonia, temperature (winter and summer), and pH.
- Non-municipal dischargers categorized as “primary industries” have some mandatory testing requirements for toxic pollutants (see 40 CFR §122.21, Appendix D, Table I and Table II; also listed in Application Form 2C). Primary industries are identified in Appendix A of 40 CFR Part 122. Primary industries that are also small businesses [see 40 CFR §122.21(g)(8)] may be exempted from these testing requirements. Existing dischargers who believe certain pollutants may be present in their effluent must test for those pollutants (40 CFR §122.21 Appendix D, Table IV and Table V).
- Industrial facilities that are subject to production- or flow-based effluent guidelines must report production rates and flow data, using units of measure corresponding to applicable effluent limitations guidelines, that will allow calculation of effluent limits.
- Sample types for all required pollutants and parameters must be appropriate for the parameter being analyzed (as per 40 CFR Part 136; see Sections 7.1.3 and 7.1.4 for more information). For example, only grab samples may be used for pH, temperature, cyanide, total phenols, volatile

organics, residual chlorine, oil and grease, fecal coliform, and fecal streptococcus.

Examples of the types of data that the permit writer will need to obtain before the application can be considered complete are given in the text boxes which follow.

Are required toxic organic pollutants (gas chromatograph/mass spectrometer [GC/MS] fractions) listed?

Example:

An application from a plastics processor fails to list any GC/MS fraction.

Discussion:

The plastics processor is required to test for the volatile GC/MS fraction (Table 2C-2 in the application form instructions and 40 CFR §122.21(g)(7)(ii)(A) of the NPDES regulations).

Are required heavy metals listed?

Example:

A primary felt producer marks thallium and beryllium as believed absent in the wastewater.

Discussion:

Although thallium and beryllium are not expected to be found in a felt producer's discharge, page 2C-3 of the application form instructions and 40 CFR §122.21(g)(7)(ii)(B) require testing for these metals. Occasionally, unexpected contaminants will be present in a waste stream due to poor housekeeping, unusual production methods, etc.

The comprehensive testing requirements that apply to the various categories of industry are designed to determine whether any unexpected contaminants are present in significant quantities, as well as to determine levels of pollutants that are known to be present. In the above example, the submission is incomplete because additional information is needed and "believed absent" is wrongly indicated.

Are all expected pollutants listed?

Example:

A producer of wood-resin-based derivatives does not indicate the presence of zinc in his wastewater.

Discussion:

Testing for zinc is required. Zinc is used as a catalyst in the production of wood-resin-based derivatives. This type of information can be found in the effluent limitations guidelines development documents.

What pollutant data are needed to characterize the industries above?

Example:

Consider the plastics processor, the felt producer, and the producer of wood-resin-based derivatives, mentioned above, and answer the following questions:

- For which toxic organic pollutants are they required to test?
- For which heavy metals are they required to test?
- Which metals would you expect to find in their wastewaters regardless of whether testing is required or not?

Discussion:

The application form in Table 2C-2 and 40 CFR §122.21(g)(7)(ii)(A) of the NPDES regulations require testing of the volatile GC/MS fraction by the plastics processor, and testing of all four GC/MS fractions by the felt producer and the producer of wood-resin-based derivatives. Page 2C-3 of the application instructions and 40 CFR §122.21(g)(7)(ii)(B) require testing of all of the metals listed in item V part C1 of the application form by all three manufacturers. For the expected metals, see the effluent limitations guidelines development documents for information.

4.3.3 The Accurate Application

All information submitted on a permit application should be accurate, in addition to being complete. Although it may be difficult to detect certain inaccuracies, a number of common mistakes can be readily detected. When mistakes are detected, they must be corrected. The permit writer should follow the same procedures for correcting inaccurate information as used for obtaining missing information. The following text boxes contain examples that reflect the types of questions that the permit writer may consider while reviewing the permit application.

Can we verify flow data using a water balance calculation?

Example:

An industrial user has estimated a wastestream flow of 50,000 gpd using water usage records. However, a review of historical water usage records and an old permit application indicates wastewater flows ranged from 100,000 to 150,000 gpd. The facility had not instituted any water-reduction measures, significantly changed its process operations, or decreased its number of employees.

Discussion:

An inspection of the facility revealed two separate water meters (one for sanitary and one for process water); the industrial user had overlooked the sanitary meter. Further, the process water meter was found to be defective. Subsequent flow monitoring of the total wastestream recorded a flow of 125,000 gpd. A new water meter was installed and concurrent wastestream flow monitoring and water meter readings resulted in the following water balances:

- **Water In** (based on both water meter readings): 148,000 gpd (131,000 gpd process line and 17,000 gpd sanitary line)
- **Water Out** (based on wastestream flow monitoring): 125,000 gpd total wastestream discharged to sewer system. Evaporative and consumption losses were estimated at 23,000 gpd (15 percent of total water usage).

Do the concentration, mass, and flow values correspond?

Example:

Suppose the maximum daily flow is shown as 1.2 million gallons per day (MGD), the maximum daily suspended solids concentration is 23 milligrams per liter (mg/l), and the maximum daily mass discharge is reported as 690 pounds per day (lbs/day).

23 mg/l x 8.34 x 1.2 MGD = 230 lb/d

The mass corresponding to the solids concentration (23 mg/l) and flow (1.2 MGD) is 230 pounds per day. However, the maximum daily mass discharge is 690 pounds per day.

Discussion:

Assuming that the maximum daily flow and the maximum daily concentration occurred on the same day (worst case scenario), the highest mass discharge should not exceed 230 pounds per day. Since the applicant reported a maximum mass discharge of 690 pounds per day, a significant discrepancy is indicated. The permit writer should contact the facility to resolve the discrepancy.

Do concentration values correspond with analytical detection limits?

Example:

The acid GC/MS fraction (phenols) compounds are all reported as less than 1 mg/l.

Discussion:

According to 40 CFR Part 136, the detection limits for the compounds in this organic fraction are all near 0.01 mg/l. Probably the 4AAP method for phenols was used, rather than the required testing procedure using GC/MS.

4.4 Facility Information Review

In addition to the submitted application form, the permit writer should consider collecting other information that could be utilized for development of permit limits and conditions.

4.4.1 Background Information Review

Prior to developing permit conditions, the permit writer should collect and review any additional background information on the facility. Much of this information may already be available in the permit file. In-house file information typically includes:

- The current permit
- The fact sheet or statement of basis for the current permit

- Discharge Monitoring Reports (DMRs)
- Compliance inspection reports
- Engineering reports
- Correspondence or information on changes in plant conditions or problems, and compliance issues.

Much of this information, particularly DMR data, may be already stored in an interoffice automated data tracking system such as the EPA Permit Compliance System (PCS).

The permit writer may check with other permit writers who have permitted similar types of facilities to see if there are any special considerations related to the facility to be permitted. A permit writer also may wish to discuss compliance issues, changes, or history of complaints with compliance personnel who conducted previous inspections of the facility. Examples of some other sources of information that could be used by the permit writer include:

- EPA development documents that contain detailed information that was collected by the EPA for the purpose of developing effluent guidelines and categorical pretreatment standards for a variety of industrial categories
- Reference textbooks, which address specific industry categories and which are available from the National Technical Information Service (NTIS), United States EPA library and other libraries. These technical documents provide information about manufacturing processes and wastestreams.
- EPA's *Treatability Manual*,[3] which is a five-volume guidance (also refer to glossary) and which provides detailed descriptions of industrial processes, potential pollutants from each process, appropriate treatment technologies, and cost estimating procedures
- Receiving water quality data (e.g., the EPA Storage and Retrieval data base [STORET])
- Related environmental permits that could provide site-specific background information about the types of pollutants and wastestreams at a facility, including, for example:
  - RCRA permit—which regulates the management of hazardous waste from its generation through ultimate disposal for waste generators,

[3]USEPA (1980). *Treatability Manual, Volumes I - V*. EPA-600/8-80-042a-e. Office of Research and Development.

transporters, and owners and operators of treatment, storage, and disposal facilities [42 USC 6901 *et seq.*]
  - Clean Air Act permit—which regulates the discharge of atmospheric pollutants.
- The Toxic Release Inventory (TRI), which is accessible on EPA's mainframe and through a public online service. TRI contains facility information on over 300 listed toxic chemicals released by specific facilities, including chemical identification, quantity of chemical released to various environmental media, offsite waste transfer and waste treatment and minimization information.

If the permit writer must address special conditions in the permits for municipal dischargers for development or implementation of a pretreatment program, combined sewer overflows (CSOs), sanitary sewer overflows (SSOs), sewage sludge use or disposal, or storm water discharges, information relevant to these issues would need to be obtained. Such information may be found in:

- Annual pretreatment reports, pretreatment compliance inspections and audits
- CSO reports
- Bypass notifications or SSOs reports
- Storm water discharge applications or NOI for a general permit.

4.4.2 Facility Site Visits

Facility site visits can be invaluable to update information on manufacturing processes, obtain information about the facility's operations, equipment or management, and to verify application information. A site visit also acquaints the permit writer with the people who will be operating under the permit and participating in the permit development process.

Site visits may also allow the permit writer to gain a better understanding of more complex facilities. Site visits are especially warranted if significant pollution control or treatment improvements will be required, if there have been frequent problems in complying with the present permit, if there are known problems with spills or leaks or with contaminated surface runoff, or if there are other onsite activities that may impact the characteristics of the discharge from the facility.

The site visit should include a detailed review of production processes in order to evaluate the types of toxic or hazardous substances that may be present in raw materials, as well as in products and byproducts. The water uses, the resulting wastewater streams, and any in-process pollution controls should be reviewed. This review is needed to assist in selecting toxic and other pollutants to be limited and in evaluating possible in-process control improvements.

In addition, the site visit should include a review of the performance, operation and maintenance practices of wastewater treatment facilities. This review is useful in evaluating the adequacy of existing treatment performance and assessing the feasibility of improvements and performance. Effluent monitoring points, sampling methods, and analytical techniques should also be examined to identify any needed changes to monitoring requirements and to evaluate the quality of DMR data.

Raw material and product storage and loading areas, sludge storage and disposal areas, hazardous waste management facilities, including onsite disposal areas, and all process areas should be observed to determine the need for controls on surface runoff and for specific best management practices (BMPs). As noted previously, the information from other environmental programs (e.g., Comprehensive Environmental Response, Compensation, and Liabilities Act [CERCLA]; RCRA) may be important in this regard.

While onsite, the permit writer should note any needs for spill prevention and housekeeping problems, which are not usually well-described in permit applications. If allowed, photographs of problem areas should be taken for future use during permit preparation. A meeting with management should be included if necessary to ask questions and clarify information on the permit application. If any inaccuracies in the application were found as a result of the site visit, corrected information should be requested at this time.

The time required to conduct a site visit will vary according to the complexity of the facility. For facilities with only a few basic processes, one main waste treatment system, limited in-process controls, few surface runoff outfalls, and limited onsite management of sludges or hazardous wastes, an adequate site visit can most likely

be completed in 1 day. Complex, larger plants with several treatment systems, numerous outfalls, and extensive ancillary activities may require several days.

Time spent on site visits often results in time savings during permit preparation. However, time and/or travel resources are generally not adequate to allow viewing of all facilities to be permitted. In such cases, the permit writer may be able to obtain much of the desired information from the next (or previous) compliance inspection performed at the facility.

Aerial photographs are also an excellent aid for conducting a plant visit and may provide much of the needed information on the potential for contamination of surface runoff and on ancillary activities in the absence of a site visit or inspection. In addition, comparison of aerial photographs with site and process diagrams provided with the application may provide the permit writer with a complete visual description of the facility. Aerial photographs may be obtained from a variety of sources, including the United States Geological Survey (USGS), Environmental Services Division in some EPA Regions, the National Enforcement Investigation Center, Las Vegas, Nevada; the Environmental Photo Interpretation Lab, Vint Hill, Virginia; and private contractors.

4.5 Confidential Information

In accordance with 40 CFR Part 2, information submitted to EPA pursuant to the NPDES permitting regulations under 40 CFR Part 122 may be claimed as confidential by the submitter. However, EPA has determined that the following information will not be held confidential:

- Name and address of the applicant
- Permit applications and information submitted with applications
- Permits
- Effluent data.

Any claims of confidentiality must be made at the time of submission or the information will not be considered confidential.

Information that may be treated as confidential includes material related to manufacturing processes unique to the applicant, or if such information might

adversely affect the competitive position of the applicant if released to the public. Under these circumstances, the permit writer will be required to treat the information as confidential in accordance with the requirements in 40 CFR Part 2.